

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

CARSON O'BRIAN,

Case No. 09-CV-2751 (PJS/AJB)

Plaintiff,

v.

ORDER ADOPTING REPORT AND
RECOMMENDATION

JOHN DOE, MARY ROWE, and BANK OF
AMERICA HOME LOANS, INC.,

Defendants.

Carson O'Brian, pro se.

This matter is before the Court on plaintiff's objection to the Report and Recommendation ("R&R") of Magistrate Judge Arthur J. Boylan. Judge Boylan recommends summarily dismissing this action for lack of subject-matter jurisdiction pursuant to the *Rooker-Feldman* doctrine. *See Rooker v. Fidelity Trust Co.*, 263 U.S. 413 (1923); *District of Columbia Court of Appeals v. Feldman*, 460 U.S. 462 (1983).

The Court has conducted a de novo review. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Based on that review, the Court OVERRULES plaintiff's objection [Docket No. 6] and ADOPTS the R&R [Docket No. 5].

IT IS HEREBY ORDERED that:

1. This action is summarily DISMISSED WITHOUT PREJUDICE for lack of subject-matter jurisdiction.

2. Plaintiff's motion for leave to proceed *in forma pauperis* [Docket No. 2] is DENIED.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: November 9, 2009

s/Patrick J. Schiltz

Patrick J. Schiltz

United States District Judge